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JAN 24 1892

CHOCTAW RESERVATIONS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

The information required by a resolution of the House of Representatives of the 20th instant, in relation to Choctaw reservations.

JANUARY 24, 1832.

Referred to the Committee on the Public Lands.

WASHINGTON, January 24th, 1832.

In compliance with the resolution of the House of Representatives of the 20th instant, I herewith transmit a report from the Secretary of War, containing all the information in possession of the Executive, required by that resolution.

For the reason assigned by the Secretary in his report, I have to request that the abstracts of the Choctaw reservations may be returned to the War Department, when the House shall no longer require them.

ANDREW JACKSON.

DEPARTMENT OF WAR,

January 21st, 1832.

SIR: In compliance with your instructions, I have the honor to transmit herewith all the information in possession of this department, required by a resolution of the House of Representatives of the 20th instant.

As the abstracts of the Choctaw reservations have been prepared at much expense, and are required by the agent of that tribe, in order to make the necessary settlement with the parties, I have to request they may be returned to this department, when they shall be no longer required by the House of Representatives.

I have the honor to be,

Very respectfully,

Your ob't servant,

LEW. CASS.

To the PRESIDENT of the United States.

DEPARTMENT OF WAR,

Office Indian Affairs, Jan. 21st, 1832.

SIR: Accompanying this letter, I send copies of the abstracts, prepared by Major Armstrong, shewing the number and position of the Indian reservations, made agreeably to the treaty of September 27th, 1830, with the Choctaw tribe of Indians. The value of these reservations, and of the other property, was estimated together, nor are there any means by which this office can ascertain the separate value of each.

No evidence exists in this office of any contract having been made for the sale of any of these reservations, nor has any such contract been confirmed or rejected; nor has any license or authority been given to any person or persons to make purchases of said reservations. Copies of all the papers on file in this office, which relate in any manner to this subject, are herewith enclosed.

I have the honor to be,

With great respect,

Your humble servant,

ELBERT HERRING.

To the Hon. LEWIS CASS,
Secretary of War.

From John Alston to the Secretary of War.

GEORGEVILLE, MISSISSIPPI,

April 26th, 1831.

DEAR SIR: I address you for the purpose of getting some information respecting the late Choctaw treaty, particularly the supplement treaty. My object of enquiry, is, that I have bought several claims of the natives that came under the supplement treaty, and have bought them as floating claims. You will please do me the favor to inform, by the first opportunity, how many floating claims were allowed in the supplement, and to whom they were allowed. I have never seen a copy of supplement treaty, and you will do me a particular favor, by sending me a list of the names entitled to floating claims under the supplement treaty. You will please instruct me respecting conflicting claims: for instance, where one is entitled to a section, and another is entitled say to half a section, or three quarter sections, and they both fall in the same section, which will be the case in many instances. Please say which will have the ascendancy, the one holding the whole section, or the half? and suppose the half section to be the oldest, and in case of one or the other giving way, which you know must be the case, will the other be entitled to a float, or will he have to locate on the nearest adjoining lands to his improvement? In regard to those that come under the cultivating claim, I wish to enquire further: suppose that an occupant should live and have a dwelling house on one place, and not have more than one or two acres where the dwelling is, and should have, say 30 or more acres in cultivation, say from 8 to 10 miles from his dwelling, and that his improvement 8 or 10 miles off is valuable, and where his house is not valuable, would he not be allowed to take the improvement where he cultivated the most land? And suppose a native living at a place when the treaty was made, and had not more than

one acre in cultivation where he lived at, and should have hands to cultivate from 30 to 40 acres, and should have rented from another native 30 or 40 acres, and had it in cultivation at the time the treaty was made, and the native he rented of lived, say six miles from the settler who rented, would not the native who has but one acre in cultivation where he lives, and rents from the other, would he not be allowed 480 acres, and locate it where he lives? Please say to me whether they will have to prove their claims, and in what way the proof will have to be made?—I mean all the natives who are provided for. Many think here that there will be no proof required of the natives; that all they have to do, is to register their names, and send on the numbers of the section they have located on, and a patent will issue. You will please find time to comply with my request, as I am engaged in several purchases, and wish to know how to proceed.

Dear sir, I am your humble servant, &c.

JNO. ALSTON.

HON. JOHN H. EATON,
Washington City.

N. B. My address is Vicksburg, Warren county, Mississippi.

J. A.

From Secretary of War to John Alston.

WAR DEPARTMENT,

14th May, 1831.

SIR: The Choctaw treaty and the supplement have been published in the newspapers, which will give full information to you as to the several questions contained in your letter of the 26th April. No purchase made, or to be made of the Choctaws, is good for any thing unless with the approval of the President.

Respectfully,

JNO. H. EATON.

TO JOHN ALSTON, Esq.
Georgeville, Mississippi.

From Allen Glover & Co. for the late firm of Glover & Gaines, to the Secretary of War.

DEMOPOLIS, ALABAMA,

7th May, 1831.

SIR: It was intended by the Choctaw Indians, in negotiating a sale of their lands this side of the Mississippi, in September last, to have had a provision inserted in the treaty, reserving "a sufficient number of quarter sections of land to be sold under the direction of the President, to pay Glover & Gaines, licensed traders, nine thousand five hundred dollars, due them by individuals of the nation, with interest thereon until paid." There was a reservation of two sections to be located on any unappropriated land, inserted in the supplement to the treaty, and directed to be sold for the purpose of paying, so far as the proceeds would go, the debts due to said concern. But the nation having intended to provide for the payment of the whole amount

due, and no notice having been taken at the moment of closing the treaty of the reservations, being limited to two sections contrary to their wishes, the debts are considered by the nation, and debtors fairly cancelled, and collections can now hardly be expected. The concern is likely, in any event, to suffer materially by the substitute inserted by the commissioners in lieu of the provision asked for by the Indians; and to enable it, under the circumstances, to obtain justice so far as may be practicable, we beg to be furnished with a copy of the supplement to the treaty, and permission from the President, if necessary, to sell the two sections afloat, to the end that the proceeds may be applied, as directed in said supplement, in order that we may take steps to recover the balance due.

Very respectfully, your obedient servants,

ALLEN GLOVER & CO.

For the late firm of
GLOVER & GAINES.

The Honorable the SECRETARY OF WAR.

From S. S. Hamilton to Messrs. Glover & Gaines.

DEPARTMENT OF WAR,

Office Indian Affairs, 2d August, 1831.

GENTLEMEN: Agreeably to the request contained in your letter of the 7th May last, I herewith transmit an extract from the supplement to the late Choctaw treaty, in which a reservation of two sections of land is made to be sold for the payment of certain debts due by individuals of the Choctaw nation to you. The provision made by the treaty cannot be considered as a complete discharge of the debtors from their obligations to you, unless the lands should sell for a sum equal to that due.

When the reservations set apart for the payment of your debt, are located, the permission of the President to sell the same will be forwarded.

Your letter having been accidentally put away with some papers not requiring immediate attention, is the reason why it has remained unanswered until now. It is hoped no inconvenience has been occasioned by the delay.

I am, &c. &c.

SAM'L S. HAMILTON.

To Messrs. GLOVER & GAINES,
Demopolis, Alabama.

From William Ward to the Secretary of War.

CHOCTAW NATION,

May 20th, 1831.

SIR: I am requested to forward to you the enclosed. You will readily perceive the object is to get the President of the United States to approve of any sales of land the Choctaws may make, to any person before the lands are surveyed, as they wish to sell and go off this year. All are aware that every claim has to be taken by sectional lines, and a complete grant cannot be had

until after the country is surveyed. What they wish to know, is, if an order from the Indian claimant, and a full receipt from the purchaser will be satisfactory? The Indians request you to send them thirty printed copies of the late treaty, ten for each district.

I have the honor to be,

Very respectfully,

Your obedient servant,

W. WARD, *Ag't C. N.*

Hon. SECRETARY OF WAR, *Washington City.*

Proceedings of the Choctaw Council at Dancing Rabbit Creek, 18th May, 1831.

At a council held at Dancing Rabbit Creek by the two eastern districts of the Choctaw Nation—

The following business was done, which we, the undersigned, have no doubt will be sanctioned by Leflore's district:

Whereas, after a full discussion on the different provisions of the treaty which was made last September, it is the opinion of the council, that the provisions contained in the 19th article of said treaty, which provides for reserves to persons a number of acres, according to the size of plantations which the individual may have cultivated last year, and to captains certain reserves, &c., which may be sold by the consent of the President; and, as this council cannot discover how they can legally sell their reserves until the land is surveyed, and as they all wish to sell their reserves in time to move west of the river in October next, therefore, it is the unanimous wish of this council, that our Great Father, the President of the United States, may appoint our beloved friend, Colonel William Ward, our agent, or some other suitable person to act as agent, to see that our people are not defrauded out of their lands, but that they may be at liberty to sell, and be ready to move west next fall:

Therefore, resolved by this council, That the agent, Colonel Ward, write on to our Great Father, the President, to make known the wishes of this council.

We are respectfully,

Your friends and brothers,

Mushulatubbe, chief, &c. his x mark.

Nittukai chee, chief, &c. his x mark.

Earhotrar tub bee, his x mark.

Earchar hopia, Speaker, &c., and others, his x mark.

Done in full council, this 18th day of May, 1831.

Test, JOHN PITCHLYNN,

United States' Interpreter.

From S. S. Hamilton to William Ward.

DEPARTMENT OF WAR,

Office Indian Affairs, 16th June, 1831.

SIR: Your letter of the 20th ultimo, with the accompanying communication from sundry Choctaw chiefs and warriors, has been received.

I am directed by the Secretary of War, to inform you that no sale by Indians entitled to reservations under the late treaty, made before the lands are surveyed and located will be sanctioned by the President, and not then, unless he is satisfied that the Indian has received a fair consideration for his land.

I enclose, by direction of the Secretary of War, ten copies of the Choctaw treaty, to be distributed in the several districts of the nation. The number you requested would have been sent, but these are all that could be obtained.

The enclosed letters relating to claims of Messrs. Grant & Clermont, and Mr. McCowan, are referred to you, to be attended to with the consent of the chiefs.

I am, &c. &c.

SAM'L. S. HAMILTON.

To Colonel WILLIAM WARD,
Indian Agent, &c.

From James Paul to the Secretary of War.

TUSCALOOSA, 29th July, 1831.

DEAR SIR: Although not the pleasure of your acquaintance, I take the liberty of applying to you for information on a subject of much importance to me, and believing, as I do, there is no information I can get that will be so much to be depended on as yours. The business is this—I see from a treaty that was held and concluded with the Choctaw Indians, where Major Eaton and General Coffee held with that tribe, that there is several donations of land which can be sold, by the consent of the President: the information is this—whether will the President give his consent or not? or if the land is sold, whether will the President agree, or give his consent for it to be sold to an individual or not? or if sold by those Indians, if the reserves must not be sold to the United States, and be as the domain of the Government? We have different opinions among us on the subject. I will have to trouble you, if you please, to enquire of the proper authority, and write me on that subject, and answer the above questions.

Please direct your letters to Tuscaloosa, Alabama, and oblige, yours, &c.
JAMES PAUL.

Hon. LEWIS CASS,
Secretary of War.

From Elbert Herring to James Paul.

DEPARTMENT OF WAR,

Office Indian Affairs, 13th August, 1831.

SIR: In your letter of the 29th ultimo, you ask, whether if any of the land reserved by the last treaty with the Choctaw tribe of Indians, should be sold, the President would give his consent? and whether, if sold, it must be sold to the United States? The words of the treaty applicable to your questions, are, "the several reservations secured under this article, may be sold with the consent of the President of the United States."

A fair sale of land, that is, a voluntary transfer of it for an adequate consideration, would be sanctioned by the President, and receive his consent. Under the treaty, a discretionary power is vested in the President, and it is not to be presumed that he would exercise it capriciously.

There is nothing in the treaty countenancing the idea that the sale must be made to the United States.

Your humble servant,

ELBERT HERRING.

To Mr. JAMES PAUL.